



Attorney Docket: 2448 DIV CON VIII
(203-2626 DIV CON VIII)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lee Bolduc, et al. Examiner: TBD
Serial No.: 10/755,427 Group: Art Unit TBD
Filed: January 12, 2004 Dated: March 5, 2004
For: SURGICAL HELICAL FASTENER WITH APPLICATOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

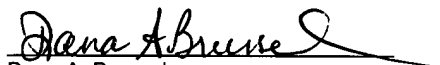
Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner.

The attached PTO-1449 lists patents that were previously cited in the parent application, U.S. Application Serial No. 10/330,903 filed December 27, 2002 as well as two previously uncited patent documents. In accordance with 37 C.F.R. §1.98(d) and 35 U.S.C. §120, copies of the previously cited patents can be obtained in the above-identified parent application. Copies and English translations of the previously uncited patent documents, EP 0 374 088A1 and SU 1071297A, are enclosed for the Examiner's reference.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 5, 2004.

Dated: March 5, 2004


Dana A. Brussel

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.


The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☒ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☐ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
 - ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
 - ☐ Please charge the \$130.00 petition fee to Deposit Account No. **50-2140**.
- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. **50-2140**.

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

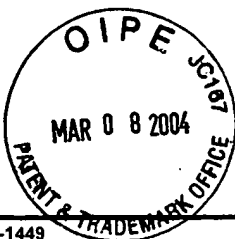


Dana A. Brussel, Esq.
Reg. No. 45,717
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
Tel.: (631) 501-5713
Fax: (631) 501-3526

SEND CORRESPONDENCE TO:
Chief Patent Counsel
United States Surgical,
A Division of Tyco Healthcare Group, LP
150 Glover Avenue
Norwalk, CT 06856

DAB/jjp



Sheet

1 of 4

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)

203-2626 DIV CON VIII (2448 DIV CON VIII)

Application Number

10/755,427

Applicants

Lee Bolduc, et al.

Filing Date

January 12, 2004

Group Art Number

TBD

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,772,668	6/30/1998	Summers et al.			
	5,704,748	1/6/1998	Criswell			
	5,662,683	9/2/1997	Kay			
	5,626,613	5/6/1997	Schmieding			
	5,607,436	3/4/1997	Pratt et al.			
	5,545,148	8/13/1996	Wurster			
	5,501,683	3/26/1996	Trott			
	5,499,990	3/19/1996	Schülken et al.			
	5,500,001	3/19/1996	Trott			
	5,454,834	10/3/1995	Boebel et al.			
	5,437,266	8/1/1995	McPherson et al.			
	5,411,522	5/2/1995	Trott			
	5,356,424	10/18/1994	Buzarak et al.			
	5,356,064	10/18/1994	Green			
	5,330,503	7/19/1994	Yoon			
	5,320,630	6/14/1994	Ahmed			
	5,318,575	6/7/1994	Chesterfield et al.			
	5,309,927	5/10/1994	Welch			
	5,297,714	3/29/1994	Kramer			
	5,282,807	2/1/1994	Knoepfler			
	5,269,792	12/14/1993	Kovac et al.			
	5,258,000	11/2/1993	Gianturco			
	5,242,457	9/7/1993	Akopov et al.			

Examiner**Date Considered**

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket Number (Optional) 203-2626 DIV CON VIII (2448 DIV CON VIII)	Application Number 10/755,427
	Applicants Lee Bolduc, et al.	
	Filing Date January 12, 2004	Group Art Number TBD

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,228,565	7/20/1993	Sinn			
	5,222,976	6/29/1993	Yoon			
	5,217,486	6/8/1993	Rice et al.			
	5,192,288	3/9/1993	Thompson et al.			
	5,171,249	12/15/1992	Stefanchik et al.			
	5,171,247	12/15/1992	Hughett et al.			
	5,163,343	11/17/1992	Gish			
	5,100,420	3/31/1992	Green et al.			
	5,053,047	10/1/1991	Yoon			
	5,018,530	5/28/1991	Rank et al.			
	5,007,921	4/16/1991	Brown			
	4,976,715	12/11/1990	Bays et al.			
	4,950,276	8/21/1990	Vince			
	4,627,437	12/9/1986	Bedi et al.			

FOREIGN PATENT DOCUMENTS

	Number	Date	Country	Class	Subclass	Translation	
						Yes	No

OTHER DOCUMENTS

Examiner	Date Considered
-----------------	------------------------

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket Number (Optional) 203-2626 DIV CON VIII (2448 DIV CON VIII)	Application Number 10/755,427
Applicants Lee Bolduc, et al.		
Filing Date January 12, 2004		Group Art Number TBD

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate	
	4,596,350	6/24/1986	Smith et al.				
	4,595,007	6/17/1986	Mericle				
	4,406,363	9/27/1983	Aday				
	4,204,541	5/27/1980	Kapitanov				
	RE 28,932	8/17/1976	Noiles et al.				
	3,870,048	3/11/1975	Yoon				
	3,858,783	1/7/1975	Kapitanov et al.				
	3,638,654	2/1/1972	Akuba				
	2,391,792	12/25/1945	W.S. Miles et al.				
	2,033,039	3/19/1936	Limpert				
	5,433,721	7/18/1995	Hooven et al.				

Examiner	Date Considered
*Examiner. Initial reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket Number (Optional) 203-2626 DIV CON VIII (2448 DIV CON VIII)	Application Number 10/755,427
	Applicants Lee Bolduc, et al.	
	Filing Date January 12, 2004	Group Art Number TBD

FOREIGN PATENT DOCUMENTS

	Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	320,731	4/28/2002	FR				
	0 663 184 A1	7/19/1995	EP				
	0 686 373 A1	6/9/1995	EP				
	A 2035/95	5/25/1995	AU				
	0 663 184 A1	1/13/1995	EP				
	1006874A6	1/10/1995	Belgium				
	0 648 471 A1	10/11/1994	EP				
	0 645 149 A1	9/28/1994	EP				
	430 4353 A	4/28/1994	DE				
	WO 93/16644	9/2/1993	PCT				
	2148232 A	10/19/1983	GB				
	0 554 653 A2	1/4/1993	EP				
	0 442 282	2/13/1991	EP				
	WO 90/14795 A2	12/13/1990	WO				
	0 324 166	12/27/1988	EP				
	0121 362	10/10/1984	EP				
	2,377,796	8/18/1978	FR				
	2,299,548	8/27/1976	FR				
	295,962	5/6/1916	DE				
	0 374 088 A1	6/20/1990	EP			X	
	1071297 A	2/7/1984	SU			X	

Examiner
Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.